

**ASSESSMENT APPEALS BOARD MINUTES
COUNTY OF SAN LUIS OBISPO
STATE OF CALIFORNIA**

Friday, May 10, 2002

The Assessment Appeal Board of the County of San Luis Obispo, State of California, met in regular session at 9:00 o'clock A.M., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

PRESENT: Appeals Board Members Ms. Jenele Buttery, Mr. Kem Weber and
Chairperson Tom Baron

ABSENT: Appeals Board Member None

Mr. Ed Olpin, Deputy County Counsel, is present and represents the Assessment Appeals Board.

Mr. Dick Frank, County Assessor, Ms. Barbara Edgington, Mr. Jim Mallon, Ms. Cheryl Roberts, Mr. Rod Hallin, Mr. Roland Portillo, and Ms. Linda Trahey, Deputy Assessors, are present and sworn.

This is the time set for members of the public wishing to address the Board on items not set on the Agenda. Chairperson Baron opens the floor to the public without response.

Request for a continuance on Application No. 2000-102, Gragg Canyon Ranch, LLC, is presented. Mr. Fred Glick, Attorney, is present. Mr. Glick request a continuance to a date to be set after October 2002. Mr. Frank does not object to this continuance, however he requests that no further continuance be granted. **Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, on Application No. 2000-102, Gragg Canyon Ranch , LLC, the Board grants a continuance to the second scheduled meeting for the 2002-2003 hearings.**

Request for a continuance on Application No. 2001-84, Ernest Bryant III, is presented. Mr. Fred Glick, Attorney, is present. Mr. Glick request a continuance to a date to be set after October 2002. Mr. Frank does not object to this continuance, however he requests that no further continuance be granted. **Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, on Application No. 2001-84, Ernest Bryant III, the Board grants a continuance to the second scheduled meeting for the 2002-2003 hearings.**

Application No. 2001-107, Chuck and Lori Applegarth, APN 076-063-028, is presented. Ms. Lori Applegarth, Applicant and Mr. Tom Wooldridge, Applicant's father, are present and sworn. Mr. Frank request the Board determine the date of the change of ownership. Ms. Roberts describes the property. Ms. Edgington discusses Revenue and Taxation Code Section 60 and Rule 462.260 (**Assessor's Exhibit A - Revenue and Taxation Code Section 60**). Mr. Wooldridge presents their case, discusses the difficulties during the purchase of this property, water and well contingency and several liens against the property, wants the date of value to be July 12, 2000, when all the buyer/seller requirements were met. (**Applicant's Exhibit 1 - Time line of Property Transfer, Applicant's Exhibit 2 - Statement, Applicant's Exhibit 3 - Photos, Applicant's Exhibit 4 - History of Property, Applicant's Exhibit 5 - Buyer's Final Closing Statement, Applicant's Exhibit 6 - Residential Purchase Agreement**). The Board continues this item for the purpose of deliberating over the date for the change in ownership.

Request for a continuance on Application No. 2001-16, John Lever, is presented. Mr. Lever is present. Mr. Lever request a continuance, indicating he is still waiting for the Planning Department's determination regarding his property. Mr. Frank does not object to this continuance. **Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, on Application No. 2001-16, John Lever, the Board grants a continuance to a date to be set by the Clerk.**

The Board returns from deliberation on **Application No. 2001-107, Chuck and Lori Applegarth**. **Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, on Application No. 2001-107, Applegarth, the Applicant has not provided evidence to support a date of value other than the July 3, 2001.** The Board questions the Applicant and Assessor if they are prepared to proceed with the hearing with

the date of value July 3, 2001, the Assessor's office is prepared, however,

Mr. Wooldridge comments that he is unable to get comparables on trash. **Thereafter, on motion of Ms. Buttery, seconded by Mr. Weber and unanimously carried, on Application No. 2001-107, Applegarth, the Board continues this matter to a date uncertain to allow the Applicant time to address the valuation with Assessor and staff.**

Application No. 2001-60 and 2001-61, K-Mart Corporation, is presented. Ms. Lorraine Bennett, Agent, is present and sworn. The Applicant and Assessor agree to address both stores at the same time. Ms. Bennett presents the Applicant's revised opinion of value for the properties (**Applicant's Exhibit 1 - Revised Value for Arroyo Grande store and Applicant's Exhibit 2 - Revised Value for Atascadero store**). Ms. Bennett presents an appraisal to the Board with Mr. Frank objecting to the presentation of the appraisal when the Appraiser who prepared this appraisal is not present for cross examination. **Thereafter, on motion of Mr. Weber, seconded by Ms. Buttery and unanimously carried, on Application Nos. 2001-60 and 2001-61, K-Mart Corporation, the Board continues this matter to a date to be set by the Clerk.**

Application No. 2001-26, Williams S. Andrews, is presented. The Applicant is not present. The Clerk presents Mr. Andrew's letter requesting a continuance. **Thereafter, on motion of Ms. Buttery, seconded by Mr. Weber and unanimously carried, on Application No. 2001-26, Andrews, the Board grants one last continuance to the Applicant.**

Minutes of the March 22, 2002 hearing are presented. On Page 1 of the minutes, the motion for Harker Wade, is changed from Ms. Weber to Mr. Weber. **Thereafter, on motion of Ms. Buttery, seconded by Mr. Weber and unanimously carried, the minutes of the March 22, 2002 meeting are approved as amended and the Chairperson is instructed to sign the same.**

This is the time set for Board members, Assessor and/or Staff to bring up items to be discussed at the next meeting. Mr. Franks discusses the number of outstanding appeals. Mr. Weber questions the calendar for the 2002-03 hearings, asks that Mr. Bordonaro be mailed a copy of the Calendar once approved at the reorganization meeting. Mr. Olpin discusses the Tosco lawsuit was filed regarding the Board's decision. No action taken.

On motion duly made and unanimously carried, the Assessment Appeals Board of the County of San Luis Obispo, State of California, does now adjourn.

Chairperson

ATTEST:

JULIE L. RODEWALD, County Clerk-Recorder
and Ex-Officio Clerk of the Assessment Appeals Board

By:

Deputy Clerk-Recorder

cmc